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APR 26 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

April 26, 1993

Ms. Donna Searcy  
Secretary  
Federal Communications Commission  
Room 222  
1919 M Street, Northwest  
Washington, D.C. 20554

Subject: Comments of Leo One Corporation in Common Carrier Docket 92-76,  
Amendment of the Commission's Rules to Establish Rules and Policies  
Pertaining to a Non-Voice, Non-Geostationary Mobile-Satellite Service.

Dear Ms. Searcy:

Please find enclosed an original and nine (9) copies of initial comments of Leo One Corporation in CC Docket 92-76. Initial Comments are due on this date.

I respectfully request that you make the appropriate distribution of these comments to both the Common Carrier Bureau and the Commissioners.

Should you or others have any questions concerning this matter, please do not hesitate to contact me at the number below.

Thank you for your prompt attention to this matter.

Very truly yours,



Karen S. Muller  
Counsel for Leo One Corporation

Enclosures

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of the Commission's Rules	)	CC Docket 92-76
to Establish Rules and Policies	)	
Pertaining to a Non-Voice,	)	
Non-Geostationary Mobile-Satellite	)	
Service	)	

To: The Commission

### INITIAL COMMENTS OF LEO ONE CORPORATION

Leo One Corporation ("Leo One"), by its attorney, submits these initial comments in the above-captioned rulemaking. In this proceeding the Commission proposes to adopt procedures establishing operational rules and technical standards for a revolutionary new radio service: the Non-Voice, Non-Geostationary Mobile-Satellite Service ("NVNG MSS"), also known as the "Little" LEO service.<sup>1</sup> As the Commission noted in its Report and Order allocating spectrum for this service, "LEOs offer an affordable means to meet a growing demand for low-cost mobile communications services."<sup>2</sup> Leo One strongly agrees with this assessment.

<sup>1</sup> Notice of Proposed Rulemaking in Common Carrier Docket 92-76 ("NPRM"), FCC 93-28, released February 10, 1993.

<sup>2</sup> Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum to the Fixed-Satellite Service and the Mobile-Satellite Service for Low-Earth Orbit Satellites, Report and Order in E.T. Docket 91-280, paragraph 7, FCC 93-29, released February 5, 1993.

Leo One is a Delaware corporation based in Washington, D.C. whose principals have years of experience in providing mobile communications services. Leo One was formed to take advantage of new and emerging mobile satellite technologies and intends to offer services over Little LEO facilities throughout the world. Accordingly, Leo One has a vital interest in the outcome of this rulemaking proceeding.

Leo One commends the Commission for its decision to use the innovative negotiated rulemaking process to expedite the implementation of rules for the new NVNG MSS. The recommendations of the Below 1 GHz Negotiated Rulemaking Committee have provided, to a large degree, a framework within which the Commission may fashion rules to create an innovative and competitive global radio service with multiple providers meeting the needs of consumers worldwide. By these comments, Leo One wishes to demonstrate its strong support for the Commission's initiatives and to modestly offer specific suggestions that will promote the successful implementation of international Little LEO systems and additional domestic NVNG MSS systems beyond the existing applicants.

The Commission's NPRM recognizes that NVNG MSS systems are inherently international systems.<sup>3</sup> It notes that licensed systems must comply with both international obligations and the national requirements imposed on them by their

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<sup>3</sup> NPRM at paragraph 32; see also, footnote 5.

respective administrations.<sup>4</sup> These international obligations also apply to the Commission as it develops rules for the NVNG MSS. Such obligations include the following:

- \* All Administrations must be provided with "equitable access" to the frequency allocated to mobile satellite services. This is the critical obligation of International Telecommunications Union ("ITU") members. It requires each Administration to take the necessary steps to accommodate future networks.
- \* Administrations must make efficient and economic utilization of the spectrum resource. This means that each system should be provided only enough frequency to meet near term requirements and that no administration should be allowed to warehouse frequency.
- \* Administrations should encourage advanced technology.
- \* Flexibility should be built into system design in order to promote the successful completion of international coordination.<sup>5</sup>

Leo One notes with approval that the Commission has attempted to ensure that the pre-rulemaking process incorporate these important international obligations. In seeking comment on whether to establish a Negotiated Rulemaking Committee, the Commission noted that all proposals must comply with ITU treaty obligations.<sup>6</sup> Furthermore, the Charter of the Below 1 GHz LEO Negotiated Rulemaking Committee directed the committee to suggest a means to provide for maximum

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<sup>4</sup> Id.

<sup>5</sup> These basic principles are embodied in Articles 4, 33, and 35 of the ITU International Telecommunications Convention as well as Article 46 of the Space WARC 1992 Convention.

<sup>6</sup> Public Notice in CC Docket 92-76, "FCC Asks Comments Regarding the Establishment of an Advisory Committee to Negotiate Proposed Regulations," 7 FCC Rcd 2370, 2371 (1992).

sharing of available frequencies and coordination of future domestic and international satellite services.<sup>7</sup>

Despite the Commission's initial guidance, Leo One believes that the Negotiated Rulemaking Committee proposed, and the Commission now has tentatively adopted, technical decisions that may substantially hinder the implementation of future domestic and international Little LEO systems. A review of the rules and proposed frequency assignment plan (as developed in the negotiated rulemaking) indicates that there will be a minimal amount of spectrum left to accommodate international or future domestic entrants. Moreover, under the proposed rules, initial licensees have no duty to coordinate and other networks have no means to gain "equitable access" to the spectrum. Leo One maintains that the proposed rules should be modified to insure that spectrum remains available to future entrants, that coordination requirements are strengthened and that international obligations are met.

### **CONCLUSION**

Based upon its concerns as set forth above, Leo One urges the Commission to move forward in this proceeding with caution. Clearly, the United States and the world will benefit from the Non-Voice, Non-Geostationary Mobile-Satellite Service. Leo One suggests, however, that the Commission devise rules consistent with its

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<sup>7</sup> The Charter is on file with the General Services Administration and is labelled as LEOAC-13 among the exhibits in the rulemaking docket CC 92-76. The Work Plan that implements the Charter is labelled

international obligations. As part of this process, the Commission should review the ongoing technical experiments and consult with the appropriate ITU organizations before promulgating final rules and authorizing proposals that may foreclose competition, deter additional entrants and promote spectrum hoarding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Karen S. Muller', written in a cursive style.

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April 26, 1993